



Paper No. 7

SNELL & WILMER
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AUG 1 2 2002

In re Application of
Babbarah
Application No. 09/955,743
Filed: September 17, 2001
Attorney Docket Number: 32643.3550

OFFICE OF PETITIONS
DECISION GRANTING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the April 17, 2002 petition under 37 C.F.R. §1.47(b)¹.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of facts of dated, establishes that the inventor was given a copy of the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, Petitioner has shown that has a proprietary interest in the above-identified application with the Assignment from inventor to dated. Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status and the Office of Initial Patent Examination is authorized to

- (1) accept this application under Rule 1.47(b);
- (2) process the application with the inventor being Bobby Babbarah and with the indication that the application was filed by as the party in interest under 35 U.S.C. § 118, inventor authority code 08, using the Declaration filed on April 17, 2002; and
- (3) mail a filing receipt with a filing date of September 17, 2001.

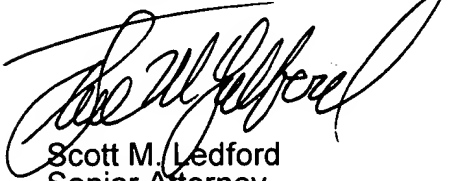
As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

¹ A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

The application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at 703-306-5593.

A handwritten signature in black ink, appearing to read "Scott M. Ledford", is written over the printed name.

Scott M. Ledford
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Mr. Bobby Babbrah
1082 W. Chilton Drive
Tempe, AZ 85283

In re Application of
Babbrah, *et al.*
Application No. 09/955,743
Filed: September 17, 2001

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OFFICE OF PETITIONS

Dear Mr. Babbrah:

You are named as the inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 C.F.R. §1.47(b) (Rules of Practice in Patent Cases). Should a patent be granted on the application you will be designated therein as the inventor.

As the inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703-306-5593. Requests for information regarding your application should be directed to the File Information Unit at 703-308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification division at 703-308-9726 or 1-800-972-6382 (outside the Washington, D.C. area).

Scott M. Ledford
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: SNELL & WILMER
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